



CCSW Priority Legislation — Year 2005

Final Report

October 20, 2005

The Legislature adjourned on September 9 for Interim Study Recess and will reconvene on January 4, 2006. The Governor had until October 9 to sign or veto bills approved by the Legislature. In total, the Legislature sent 961 bills to the Governor for his signature — he signed 729 and vetoed 232. For more information on the Governor's action, you can visit his website at www.governor.ca.gov -- click on "press room", then "press releases" regarding legislative updates. New laws, except those approved as urgency measures, take effect on January 1, 2006.

As we approach the second year of the 05/06 session, California's fiscal deficit will continue to present special challenges to the Commission and other advocacy organizations committed to enacting new policies and preserving existing programs that serve women and children and meet the needs of California's underserved populations.

The Commission's 2005 legislative agenda included 86 priority bills and resolutions — of that number we supported 76 measures and opposed 10. The Legislature sent 33 of our priority bills to the Governor — he signed 26 into law and vetoed 7, most of which we expect to be re-introduced in 2006. The Legislature also approved 14 of our priority resolutions (the Governor does not take action on these measures).

Measures opposed by the Commission would have negatively impacted a woman's right to choose, access to public assistance under CalWORKs, "the best interests of the child" in child custody disputes, and non-discrimination by business establishments. None of these measures reached the Governor's desk; however, we expect that one or more will be reactivated or reintroduced in 2006.

We are particularly pleased that the Governor signed two key anti-human trafficking measures, a major priority for the Commission. **AB 22 (Lieber)** and **SB 180 (Kuehl)** will help ensure that California addresses the escalating crime of human trafficking in our State.

SB 644 (Ortiz) will help ensure timely access to emergency contraception; **AB 478 (Lieber)** establishes standards of care for pregnant inmates, including the prohibition of shackling during labor and delivery; **AB 1179 (Yee)** will limit the sale of violent video games to minors; **SB 33 (Battin)** will stop the practice of preferential treatment for intra-familial sex offenders; **AB 322 (Oropeza)** enacts the "Athletes' Bill of Rights" and specifies a student's rights relating to gender equity in athletics. Other session highlights from our 2005 agenda are reflected in the "enacted" list below.

ENACTED

Child and Other Dependent Care

SB 116 (Dutton) eliminates the sunset date of the “Safely Surrendered Baby Law, extending its provisions indefinitely.

SB 500 (Kuehl) expands the availability of foster family homes for teens and their children.

SB 640 (Escutia) provides additional funding to provide training and technical assistance to child care providers in identifying and caring for children with disabilities or at high risk for developing disabilities.

Education

AB 322 (Oropeza) enacts the “Athletes’ Bill of Rights” and specifies a student’s rights relating to gender equity in athletics; also requires the State Department of Education to post the “Bill of Rights” on its website by July 1, 2006.

Equality

AB 1400 (Laird) amends the Unruh Civil Rights Act to clarify and confirm that it prohibits discrimination by business establishments, regardless of one’s sexual orientation or marital status.

Family Law

SB 1088 prohibits, with certain exceptions, ex parte communications between court-appointed or court-connected mediators or evaluators with the court or with any person or that person’s attorney involved in a child custody dispute.

Health Care Access

AB 1586 (Koretz) adds language to current anti-discrimination provisions of the Health and Safety Code and the Insurance Code to prohibit discrimination against transgendered individuals by insurers and health care service plans.

SB 484 (Migden) establishes the California Safe Cosmetics Act of 2005. Requires manufacturers of cosmetics manufactured and distributed in California, and who are subject to regulation by the U.S. Food & Drug Administration, to provide the State Department of Health Services with a list of their products that contain ingredients identified as causing cancer or reproductive toxicity.

SB 614 (Figueroa) allows Certified Nurse Midwives to furnish or order Schedule II drugs for patients on an outpatient basis.

SB 615 (Figueroa) expands the scope of the Cervical Cancer Awareness Campaign to include provider education aimed at raising awareness around the human papillomavirus (HPV) and its link to cervical cancer.

Reproductive Health

SB 644 (Ortiz) establishes a pharmacist's duty to fill lawful prescriptions; protects both the patient's right to a lawful prescription and the pharmacist's right to exercise his or her religious and moral beliefs by requiring the establishment of protocols by the pharmacist's employer should he or she choose to exercise that right.

Violence

AB 22 (Lieber) establishes the crime of human trafficking for forced labor or services and the crime of trafficking of a minor, both punishable as a felony. Provides civil remedies and social services for victims, and creates the California Anti-Trafficking Task Force to study and advise the Legislature on issues around human trafficking.

AB 70 (Maze) requires the Department of Motor Vehicles to provide a new set of license plates to victims of rape or sexual assault immediately upon showing they are the registered owner of the vehicle, paying a standard fee for duplicate plates, and documenting their victimization.

AB 99 (Cohn) provides that domestic violence protective orders (DVROs) may have a duration of not more than 5 instead of the current 3 years, and may be renewed for either 5 years or on a permanent basis.

AB 220 (Committee on Public Safety) changes current references in the Penal Code, Family Code, and the Code of Civil Procedure from "battered women's syndrome" to "intimate partner battering."

AB 378 (Chu) extends the statute of limitations from 1 year to 3 years during which time victims of hate crimes can file action for civil damages.

AB 429 (Chu) extends current law enforcement standards for verifying and verbally serving protective orders to also include workplace violence orders.

AB 978 (Runner, Sharon) prohibits parties enjoined under specified protective orders from taking any action to obtain the address or location of a protected party or a member of their family, a caretaker, or guardian, unless the court rules otherwise.

AB 1179 (Yee) requires violent video games to be labeled as such and prohibits the sale or rental of such games to minors. Violators shall be liable in an amount up to \$1,000 for each violation.

SB 33 (Battin) amends existing law to prohibit the practice of allowing intra-familial offenders who sexually molest their own children to receive therapy and probation rather than a prison sentence.

SB 111 (Alquist) extends the statute of limitations in cases of child sexual abuse, by providing that prosecution for certain felony sex offenses alleged to have been committed when the victim was under 18 may be commenced any time prior to the his or her 30th birthday.

SB 180 (Kuehl) establishes the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to study and advise the Legislature on certain aspects of human trafficking. Requires the Commission on Peace Officer Standards and Training (POST) to develop a course of training for peace officers relating to human trafficking.

SB 720 (Kuehl) implements various recommendations of the Attorney General's Task Force on the Criminal Justice Response to Domestic Violence to better protect victims of intimate partner violence, including requiring any attorney's fees and costs ordered against a party in contempt of a protective order to be paid to the Office of Emergency Services for purposes of funding domestic violence shelters.

Women in Prison

AB 478 (Lieber) sets minimum standards for the medical care of pregnant inmates who are not eligible for community treatment programs; requires community treatment programs to provide eligible participants with prenatal care, access to prenatal vitamins, childbirth education, and infant care; and prohibits the practice of shackling pregnant inmates during labor and delivery.

AB 550 (Goldberg) creates the Sexual Abuse in Detention Elimination Act to protect all inmates from sexual abuse while incarcerated in institutions operated by the California Department of Corrections and Rehabilitation.

AB 760 (Nava) allows, during booking, an arrested custodial parent of minor children to make 2 telephone calls at no expense for purposes of arranging care for their children.

VETOED

AB 169 (Oropeza) would have imposed stiffer financial penalties on employers who continue the practice of wage discrimination based on gender.

AB 624 (Montañez) would have required the Department of Health Services and the Managed Risk Medical Insurance Board to modify the electronic preenrollment application

process to allow eligible participants to simultaneously preenroll and apply for the Healthy Families and/or Medi-Cal programs.

AB 696 (Chu) would have exempted “food stamp-only” recipients from the current requirement that they be fingerprinted before receiving benefits.

AB 755 (De La Torre) would have required employers to pay piece rate workers their average pay during state-mandated rest periods.

AB 855 (Bass) would have provided that persons convicted of drug possession, *not selling or trafficking in drugs*, are eligible to receive CalWORKs benefits if they meet certain conditions, including participation in a government-recognized drug treatment program.

AB 862 (Bass) would have required every inmate remanded to the custody of the Department of Corrections and Rehabilitation, if a parent of a minor child, to receive information about child support and how to modify child support orders.

SB 600 (Ortiz) would have established the Healthy Californians Biomonitoring Program for purposes of measuring levels of harmful chemicals found in the bodies of Californians and supporting efforts to improve public health.

RESOLUTIONS ADOPTED

ACR 2 (Cohn) Domestic Violence Awareness Month

ACR 9 (Oropeza) California Girls & Women in Sports Day

ACR 33 (Lieber) Joint Committee on Human Trafficking in California

ACR 36 (Berg) Breast Cancer Awareness & Prevention Month

ACR 40 (Lieber) League of Women Voters’ 85th Anniversary

ACR 48 (Goldberg) Girl Scouts

ACR 74 (Saldana) Title IX: 33rd Anniversary

AJR 3 (Cohn) Reproductive rights: Roe v. Wade

AJR 30 (Liu) Women’s Equality Day

HR 7 (Runner, Sharon) Endometriosis Awareness Month

SCR 9 (Kehoe) American Heart Month

SCR 13 (Battin) Child Abuse Prevention Month

SCR 39 (Alquist) Sexual Assault Awareness Month

SJR 7 (Bowen) Equal Pay Day

POTENTIAL TWO-YEAR BILLS

The following priority bills were not approved by the Legislature this year, but could be reactivated in January 2006 if the author chooses. **Unless otherwise noted, the Commission supported these measures.**

- AB 41 (Yee) Human Trafficking
- AB 233 (Haynes) CalWORKs: eligibility — **Opposed**
- AB 269 (Haynes) CalWORKs: sanctions — **Opposed**
- AB 349 (Mountjoy) Prohibited Instruction education/counseling — **Opposed**
- AB 506 (Montañez) Teen dating violence: prevention & education
- AB 525 (Chu) Health care.
- AB 538 (Garcia) HIV tests
- AB 634 (Lieber) International marriage brokers
- AB 658 (Liu) Women inmates
- AB 680 (Chan) English Language Learners
- AB 774 (Chan) Hospitals: self-pay policies
- AB 788 (Montañez) Family Child Care Career Ladder Pilot Project
- AB 860 (Bass) Arrested Persons: notice of parental rights
- AB 861 (Bass) Professions & vocations: licensure
- AB 908 (Chu) Cosmetics
- AB 1154 (LaSuer) School districts: excused absences/parental consent — **Opposed**
- AB 1307 (Dymally) Child Custody — **Opposed**
- AB 1427 (Mountjoy) Abortion: saving tissue for evidence — **Opposed**
- AB 1502 (Salinas) Family law proceedings: San Benito County Pilot Project
- AB 1700 (Pavley) Secrecy agreements: public dangers
- AB 1701 (Bass) Birth Defects Monitoring Program: fees

- SB 24 (Ortiz) Hospital charity care
- SB 147 (Runner) Fetal pain prevention — **Opposed**
- SB 366 (Kuehl) Department of Corrections: offenders' families: female offenders
- SB 261 (Speier) Sex offenders: statute of limitations
- SB 493 (Kuehl) Cal-Learn Program: schoolage teens
- SB 617 (Speier) Women prisoners: Gender Specific Standards for Women Task Force
- SB 753 (Morrow) Pupils: confidential medical services: parental notification — **Opposed**
- SB 768 (Simitian) Identity Information Protection Act
- SB 840 (Kuehl) Single-payer Health Care Coverage
- SB 1030 (Hollingsworth) Discrimination: religion — **Opposed**
- SB 1071 (McClintock) CalWORKs: Cola elimination — **Opposed**

You can access bill history, committee analyses, and voting records for any of the bills in this report by visiting www.leginfo.ca.gov. If you have any questions or would like more information about the Commission, please contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462, or email her at vatwood@women.ca.gov.